

(Amended Complaint)

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT

for the

Middle District of PA

Division

FILED
HARRISBURG, PA

MAY 18 2020

PER

MLW
DEPUTY CLERK

Case No.

(to be filled in by the Clerk's Office)

Michael S. Owl Feather-Gorbey

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

MR. Chambers, Otto, et. al.

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

BIVENS - Fed. Tort Claim Act
Under IMMINENT DangerJury demand yes!BIVENS - Fed. Tort Claim Act
COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Michael S. Owl Feather - Gorbey
 All other names by which
 you have been known: Michael S. Gorbey
 ID Number 33405-013
 Current Institution usp lewisburg PA.
 Address P.O. Box 1000
lewisburg PA 17837
 City State Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name MR. chambers
 Job or Title (if known) Dfo
 Shield Number UNKNOWN
 Employer F.Bop
 Address P.O. Box 1000
lewisburg PA 17837
 City State Zip Code

☒ Individual capacity ☒ Official capacity

Defendant No. 2

Name MR. MARR
 Job or Title (if known) G-UNIT COUNSELOR
 Shield Number UNKNOWN
 Employer F.Bop
 Address P.O. Box 1000
lewisburg PA 17837
 City State Zip Code

☒ Individual capacity ☒ Official capacity

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

Defendant No. 3

Name Mr. King
 Job or Title (if known) Correctional Officer (Appointed Staff Rep.)
 Shield Number UNKNOWN
 Employer F Bop usp lewisburg
 Address PO Box 1000
lewisburg PA 17832
City State Zip Code
☒ Individual capacity ☒ Official capacity

Defendant No. 4

Name Mr. Bowlin
 Job or Title (if known) Executive Assistant
 Shield Number UNKNOWN
 Employer F Bop usp lewisburg
 Address PO Box 1000
lewisburg PA 17832
City State Zip Code
☒ Individual capacity ☒ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- ☒ Federal officials (a *Bivens* claim) & Fed Tort claim Act under imminent danger
☐ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

NA.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

1st, 5th, 8th & 14th Amendments

137. 5th, 8th & 14th Amendments

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia," 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

They Are F.B.I. Employees Acting under Color of U.S. DOJ & the Federal Government. And or Are Representatives of the Federal Government

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☒ Other (explain) District of Columbia State Prisoner Held in Feds.

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

NA

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

usp lewisburg 4-17-20 to date & continuing

C. What date and approximate time did the events giving rise to your claim(s) occur?

4-17-20 to date & continuing
multiple (time)

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

Misconduct or negligences of the named defendants resulting in violations of my constitutional rights, subhuman conditions, injuries both serious and minor physical & threats of death imminent dangers see attachments pages 1-29 to claims of suit

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Damage to my eyes. 60% l-eye & 20% right eye from denial of glaucoma treatment & scheduled surgery that threaten to blind me. Injuries to my R-shoulder, R-wrist, R-knee R-hip, R-ankle L-leg. From falls from top bunks & denied treatment, injuries to my const. right. To file redress by being denied remedy access. Damage unspecified to my eyes from excessive lighting seeing floaters & black spots. Rash threatening infections from denial of ability to shave. Adequate cloths or laundry. Unspecified sickness flu like from exposure to lead paints see attachments pages 1-6

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

① I demand \$9,500,000.00 cash. ② I want immediate medical treatment for my glaucoma & all my injuries or sicknesses. ③ I want immediate transfer away from USP Lewisburg to an appropriate medium level facility. ④ I want an injunction conditioning USP Lewisburg to no longer house prisoners. ⑤ I want the FBP Discipline Process & Administrative Remedy Processes reformed to be more constitutional ⑥ I want the FBP legal mail process reformed to be more constitutional. ⑦ I seek a hearing & co-counsel. see attachment page 28 & 29 to claim of suit (Relief sought.) Pages 28 & 29

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

usp Lewisburg PA.

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes

☐ No

☐ Do not know

If yes, which claim(s)?

All of them

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☒ No

> Is one of my claims staff impeding proper-timely Access to Remedy Process.

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☒ No

- E. If you did file a grievance:

1. Where did you file the grievance?

I Am being denied proper-timely grievance Access by named defendants though I have Filed 3 Bp8.
USP Lewisburg G-UNIT

2. What did you claim in your grievance?

1st Bp8 that I was being denied proper-timely Remedy Access for all of my issues in this suite. listing all issues and Bp8 on medical issues & denials.
3rd Bp8 on Error Transfer to USP Lewis. with S.C. med. hold.

3. What was the result, if any?

All delayed or impeded by named defendants

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

I completed A Bp9 to the original Bp8 but thus far staff have refuse to take it & process it because they have not answer ANY Bp8 to attach thus they are using the informal Bp8 process to impede formal filing & to prevent Exhaustion of FBoP Remedies.

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

Because Defendants are impeding me from doing so by not timely providing forms & then not answering BPD informal complaints to all impede formal filing & exhaustion

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

I have judiciously or diligently tried to exhaust my remedies but staff are impeding me. I have verbally complain to Counselor marr, case manager Hix, Unit manager Caterwa A.W. Brickard, & Warden Spaulding personally & I sent cop-out to Unit manager Bekowski All to no avail.

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

Exhaustion is a jurisdictional pre-requisite to Prisoner Filing see 42 USC § 1997e(a) and therefore imposes a constitutional duty to Prison staff to provide us proper-timely access for exhaustion otherwise it violates our rights to access to courts & subjects us to subhuman condition & imminent dangers alleged.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

- ☒ Yes
☐ No

mostly all Error dismissal by hostile courts wanting to make me a 3 striker.

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

multiple D.C. VA. Md. Colo. WVa. PA. & Fla. & TX.

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☒ Yes

☒ No

> = Filed AN Emergency Imminent Danger suits that this court Rejected Errorly. this is an amended claim.

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s)

Defendant(s)

Michael S. DuFeather - Garber

Offa chambers et al

2. Court (if federal court, name the district; if state court, name the county and State)

US Dist. SCRANTON PA.

3. Docket or index number

NONE ASSIGNED

4. Name of Judge assigned to your case

UNKNOWN

5. Approximate date of filing lawsuit

4-20-20

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition.

Rejected 5-5-20

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

Error Rejected by COURT clerks For (me) indigent. in shu & under subhuman conditions And a list of Imminent Dangers to complete these Forms.

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

yes!

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

☒ Yes☐ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) Michael S. Owl Feather - Gorbey
 Defendant(s) multiple

2. Court (if federal court, name the district; if state court, name the county and State)

US DIST. VA. WVA. PA. Md. Colo. & D.C.

3. Docket or index number

multiple

4. Name of Judge assigned to your case

multiple

5. Approximate date of filing lawsuit

2016 - 2020

6. Is the case still pending?

☒ Yes☒ No

Some are & some are on appeal & some have caused new actions against the USA for errors & misconducts of judges & court employees 18-5375 D.C.

If no, give the approximate date of disposition

multiple

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

Dismissals, Appeals, Remands, new Appeals, new suits, new Appeals, new Remands other new Appeals, other new suits.

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 5-9-20 (amended from 4-20-20)

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

Michael S. Owl Feather - Gorbey
Michael S. Owl Feather - Gorbey
33405-013
USP Lewisburg P.O. Box 1000
Lewisburg PA 17837
City State Zip Code

B. For Attorneys

Date of signing: NA

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

NA
NA
NA
NA
NA
NA
City State Zip Code

Telephone Number

E-mail Address

NA
NA

Attachment to (B)
List of Defendants Continued

Defendant No. 5

C- Ulrich
Correctional officer
F.Bop usp Lewisburg Employee
P.O. Box 1000 Lewisburg, PA. 17837
☒ Individual Capacity ☒ Official Capacity

Defendant No 6

Mr. Brickard
Assistant Warden
F.Bop usp Lewisburg Employee
P.O. Box 1000 Lewisburg, PA. 17837
☒ Individual Capacity ☒ Official Capacity

Defendant No 7

Mr. Spaulding
Warden
F.Bop usp Lewisburg Employee
P.O. Box 1000 Lewisburg, PA. 17837
☒ Individual Capacity ☒ Official Capacity

Defendant No 8

Mr. Rekowski
Unit Manager
F.Bop usp Lewisburg Employee
P.O. Box 1000 Lewisburg, PA. 17837
☒ Individual Capacity ☒ Official Capacity

ATTACHMENT 1 (13)
LIST OF DEFENDANTS CONTINUED

Defendant No 9

MRS. Caterall

UNIT manager

F.Bop Employee usp lewisburg

Pc Box 1000 lewisburg, PA. 17837

☒ Individual Capacity ☒ Official Capacity

Defendant No 10

Kevin Pigus

Medical Doctor

F.Bop usp lewisburg Employee

Po Box 1000 lewisburg PA. 17837

☒ Individual Capacity ☒ Official Capacity

Defendant No 11

Andrew Edinger

medical Doctor

F.Bop usp lewisburg Employee

Po Box 1000 lewisburg PA. 17837

☒ Individual Capacity ☒ Official Capacity

Defendant No. 12

U.S. Attorney General. - the United States

U.S. Department of Justice - F.Bop supervisor

United States - F.Bop Employee

950 PA Ave. NW. Washington. D.C. 20530

☒ Individual Capacity ☒ Official Capacity

Attachment 1 (8) LIST OF DEFENDANTS CONTINUED

Page 3 of 3

Defendant No. 13

Woodrow

UNspecified medical staff

F.Bop USP Lewisburg Employee

P.O. Box 1000 Lewisburg, PA. 17837

☒ Individual Capacity ☒ Official Capacity

Defendant No. 14.

J. Ordóñez

SIS (Investigator)

F.Bop USP Lewisburg Employee

P.O. Box 1000 Lewisburg PA. 17837

☒ Individual Capacity ☒ Official Capacity

Defendant No 15

T. Leininger

chaplain

F.Bop USP Lewisburg Employee

P.O. Box 1000 Lewisburg, PA. 17837

☒ Individual Capacity ☒ Official Capacity

Defendant No. 16

B. Carney

Supervisory chaplain

F.Bop USP Lewisburg Employee

P.O. Box 1000 Lewisburg PA. 17837

☒ Individual Capacity ☒ Official Capacity

Attachment Pages To Claim of Suit

- claim (1) The F.Bop Discipline Process AT USP Lewisburg PA. or Within the F.Bop in general is UNCONSTITUTIONALLY Applied imposing A Significant Threat To Gorbey And other inmate safety being An Imminent Danger
- claim (2) The F.Bop Administrative Remedy Process AT USP Lewisburg PA. or Within the F.Bop in general is UNCONSTITUTIONALLY Applied imposing Significant Threats To safety And Imminent Dangers Upon Gorbey and other inmates Within the F.Bop.
- claim (3) Violation of Gorbey's 1st, 5th, 6th, 8th & 14th Amendment legal mail and access to Court's Rights imposing Significant threats to safety and on Imminent Dangers upon Gorbey and other inmates.
- claim (4) Violation of Gorbey's 8th & 14th Amendment Rights by Allowing His Transfer To And Housing AT USP Lewisburg PA. While Gorbey Had A South Carolina medical "Hold" For Emergency glaucoma laser surgery.
- claim (5) Violation of Gorbey's 1st, 5th, 6th, 8th & 14th Amendment Rights by subjecting Him to A list of Subhuman Conditions And Imminent Dangers.
- (a) Exposures To 1930's - 1940's lead Paints.
 - (b) Placements on Top Bunks While He is Physically unable to climb.
 - (c) Inadequate security (no in cell duress buttons)
 - (d) Denial of Adequate showers, clothing or laundry.
 - (e) Rusty, subject to Burst. Old 1930's High Pressure Hot Boiler Steam Pipes.

- (F) Denial of Razors or Ability to shave
- (G) Denial of Proper - Timely Administrative Remedy Access
- (H) Denial of medication and/or medical treatment requiring
- (I) Improper threatfull Reclassification
- (J) Excessive lighting threatening blindness.
- (K) subjecting Gorbey A D.C. state prisoner to illegal Extraditions or Transfers across state lines to intern subject him to UNCONSTITUTIONAL & threatfull Conditions of Federal Prisons.

claim (6) UNCONSTITUTIONAL MISCONDUCT ACTS by F.BOP (SIS) INVESTIGATIVE STAFF NOT EFFECTIVELY CONSIDERING OR INVESTIGATING STAFF MISCONDUCT COMPLAINTS ALLOWING OR IMPOSING UPON GORBHEY SUBHUMAN CONDITIONS, THREATS TO SAFETY & IMMINENT DANGERS.

claim (7) Direct Violation of Gorbey's Native American Religious Rights in Furtherance of Subhuman Conditions, Threats to safety & Imminent Dangers.

* I owl Feather - Gorbey seek An "Emergency" Hearing & Appointment of Co-Counsel necessary to Adequately Cure Any Filing Defects AND or To defend my claims of imminent danger or any aspect of my suit.
28 USC § 2243 ; 18 USC § 3006 A ; 28 USC § 1915(g)

(Chief) Michael S. owl Feather - Gorbey
 33405-013
 USP Lewisburg
 PO Box 1000
 Lewisburg, PA 17832.

- ± Gorbey suffer ± imminent dangers by denial of any usable glaucoma meds, or treatment, denied scheduled South Carolina eye surgery. ± on Exposure to Excessive lighting in cells ± threatening Blindness; serious Physical injuries or death by other inmates because SIS Fail to investigate ± staff Abuse Discipline Process to cover up assaults; Exposures to lead Paints in cells Exposures to 1930 old Rusty Boiler style Hot steam pipes in cells; Denial of Razors For shaving. Adequate cloths or laundry threatening Boils, Carbunkles and Staff infection Denial of Proper-Timely Remedy Access and or legal mail ± Court Access ± Religious services. see Arguments below.

Arguments & Facts.

claim (1) The F.Bop Discipline Process

The F.Bop Discipline Process is designed to deter inmates from misconducts ± is NOT to be used in ANY Arbitrary, Capricious, Discriminatory or Retaliatory manner 18 USC § 4042 ± F.Bop Ps. 5270.09 § 541.4 to 11 yet USP Lewisburg staff ± other F.Bop staff are clearly abusing use of the Discipline Process while imposing threats to Gorbey's safety, violating the 5th, 6th, 8th ± 14th Amendments, on 3-16-20 AT FCI Estill SC. Gorbey was Attack by inmates in his cell 224 C-A. While staff (Mastro) stood ± watch ± Fail to keep Gorbey safe.

Tsotie vs. Garrett 409 Appx 262 (2010)

Rodriguez 508 F.3d 66-17 (11th Cir. 2007)

Inmates threw stuff on Gorbey ± assaulted him ± bar him in his cell for other assailants to arrive so Gorbey hit his cell alarm ± muscle his way out the cell door where only then did (Mastro) sound his Alarm.

where. (Mastro) then further Retaliating did nothing to the other inmates and yet. abused Discipline Process on Gorbey by sending Gorbey to SHU on a False Intoxication charge (Even After) Urine & Breath Tests Provided Negative Results. threatening Gorbey

Gorbey sat in FCX Estail S.C. SHU for 1 month 2 days until 4-17-20 when he was Error Transfer to USP Lewisburg PA. irrespective of his medical "Hold" for laser eye glaucoma surgery, & without seeing DHO.

* Gorbey Arrived at USP Lewisburg PA. and was Placed Directly in special housing G-UNIT and was NOT given any Extensions or further UAC or Due Process Rights.

ON 4-29-20 MR. King Arrived at Gorbey's Cell USP Lewis. G-116 around 10:00 A.M. Explaining that Lewisburg Warden had appointed him (King) as Gorbey's Staff Rep. (over) Gorbey's Request for Mrs. A. Waller to be assigned. Violating Gorbey's Rights to Staff Rep. of his choice.

Gorbey inform (King) of his Request for Mrs Waller & inform (King) that He Gorbey needed to call some witnesses DR. Lipioni & LT. Bennett, LT. Shaffier for his defense and He needed medical records of his Hypertension, Hypoglocimia and the Drug Facts for his medications yet. Hostile MR. King Argue that Staff Reps were only obligated to stand beside inmates at DHO and did NOT have to Assist them in any manner with witnesses or Evidence being clearly Repugnant to P.S. 5270.09 F.Bop Discipline Program Statement and. or. WOLFF VS. McDonald and or Sandlin vs. Conner.

where. Around 11:30 a.m. Gorbey was usher before DHO Mr. Chambers. Where, True to His word. Staff Rep. (King) did absolutely nothing for Gorbey but stand in appearance at DHO. Gorbey then proceeded to explain to DHO chambers ~~that~~ that he Gorbey needed witnesses DR. Lipioni, LT. Shaffner & LT. Bennett and Evidence. medical Records & medication Drug Facts for his defense. yet. DHO Chambers being hostile simply told Gorbey he was not going to allow Gorbey such witnesses or Evidence that the incident report from Estill listed that nurse Ulmer (Whom Gorbey had filed on for misconduct) listed in the report that Gorbey had no meds or medical conditions that would cause side effects or his condition so he chambers was not going to (Pit) medical staff against medical staff or allow Gorbey any Evidence that may lay question to Nurse Ulmer's statement. And neither he the DHO or staff Rep. King would review the camera's Note.

upon being medically accessed before being placed in shu. Nurse Ulmer claim Gorbey had slurred speech & squinty eyes, & had no meds or medical conditions that would cause this. However, Gorbey (Does) have such meds & or conditions.

Gorbey is Hypoglycemic & suffers Hypertension And High Blood Pressure And being in a confrontation on 3-15-20 just after working mowing grass all morning & not having eaten lunch. Suffer a drop in sugar and was dizzy with slurred speech. And his glaucoma meds cause dizziness & sleep eyed effects as would a drop in sugar. As would his

meds cause spontaneous vomiting. see. latanaprost glaucoma eye meds. 800 ibuprofen. solinium sulfid lotion. Dizziness, giddyness and other side effects that nurse ulmer could not have review or consider and which the Dto denied Gorbey in his defense. to convict Gorbey to cover up the assault.

this is conserving where F.Bop staff are abusing use of discipline process as retaliations and or other arbitrary, capricious or discriminatory reasons for improper motives. threatening Gorbey's safety this is exceptionally conserving where F.Bop staff are using discipling actions upon Gorbey while trying to (cover up) inmate assaults upon Gorbey that staff instigated or stood back & watched. Failing to keep Gorbey safe see. incident report 3287668 for alleged (201) fighting. Gorbey was attack in his cell by 2 inmates at ~~for~~ Cumberland md. late 2019 and only push his way out the cell (while) unit staff watched and yet. staff & Dto there abused use of discipline process against Gorbey for using the minimum force possible (simple pushes) to protect himself when staff fail or refuse to keep him safe! Foolishly arguing that Gorbey was (required) to suffer the serious assault or death. being simply retarded & a farce & mockery of justice and a clear imminent danger to claim Gorbey cannot defend himself where he may be seriously harm or kill while staff fail or refuse to keep him safe. see. Gorbey vs. Huff US Dist. Md. 1:19-cv-2530-RDB.

where. Here again with Dto chambers we have a repeat of similar threatfull events where Dto chamber has violated Gorbey's rights & abused

Discipline Process Against Gorbey To Cover up inmate Attempts At serious Assault or Death. And to Attempt To Re-classify Gorbey To Qualify Him For A USP Where F.Bop staff (Know) Gorbey Cannot Walk. As Proven by Grand Prairie, Tx. F.Bop Designation CTR. Applying A lesser security mgtr. To Keep Facility Staff From Repeating These Very Acts. Those staff seek to circumvent by Discipline Action Removing the lesser security mgtr.

Therefore. Clearly The F.Bop Discipline Process is operating UNCONSTITUTIONALLY in ways that are A clear imminent danger to Gorbey.

claim (2) F.Bop Administrative Remedy Process.

Gorbey is suffering several imminent dangers At USP Lewisburg PA. (a) Threatful UNCONST. Discipline Process. (b) 2 People in small cramped 30 square foot moving space with NO in cell distress buttons. (c) 1930's - 1940's lead paint in His Food. Drink, Breath & Hair. (d) large Hot High Pressure Rusty Boiler steam Pipes that could burst at any time. (e) High watt spotlight out door bulbs in Cells. threatening to blind Gorbey. (f) Transferring Gorbey to USP Lewisburg irrespective of His South Carolina medical "Hold" for laser glaucoma surgery and then forcing Gorbey to (Again) After (years) of penials of treatment & suffering 60% vision impairment to left eye & 20% to Right eye threatening Blindness (to start all over) with His complaints. Exams & Consultations At Lewisburg to (Attempt) to obtain glaucoma treatment. All & more that place Gorbey in imminent dangers. While USP Lewisburg staff

About & therefore being AN imminent danger itself.

1915(g) Has NO NEXUS Requirement though Gorbey
Has met ANY such Requirement.

The plain language of 1915(g) says nothing about ANY NEXUS Requirement and that plain language must be followed. see. (claiming ANY imminent danger.) Coleman vs. Tollefson 135 S.Ct. 1259 (2015)

"The plain statutory language of 1915(g) must be followed." therefore. Pettus vs. Morganthau 834 F3d 203 (2nd Cir 2016) was wrongfully decided in light of Coleman. see. Intel. Corp. Inv. Policy Comm. vs. Sylva 140 S.Ct. 768, 776. (2020) we must enforce plain & ~~unambiguous~~ unambiguous statutory language, in any statute. According to its terms. see. Id. at 777. see. Also.

Babb vs. Wilkie No. 18-882, 2020 US. Lexis 2184, at *19, *21 (US Apr. 6, 2020) (Quoting)

Desert Palace Inc. vs. Costa 539 U.S. 90, 98. (2003)

If Policy Considerations suggest that the current 1915(g) scheme should be altered, "Congress" must be the one to do it Intel. 140 S.Ct. at 778; Accord Babb, 2020, US Lexis 2184 at *19. see. Also.

Asemani vs. U.S. Citizenship & Immigration serv. 797 F3d. 1069 (D.C. Cir 2015)

Requiring only that the Court look AT only the Prisoners Filings or Pleadings AT the Time He Files His Complaint or Appeal to Determine if He Has Stated A claim that (Could) Result in AN imminent danger of serious Physical Harm or Death. Which must be liberally construed AND Accepted As True.

Mitchell 587. F.3d. at 421 & id. at. 420.

Temporal Constraints Placed on Facts that A Court may Consider when Evaluating imminent danger claims by Prisoners. see. Asemani 797 F.3d at. 1074

Pinson vs. United States DOJ, No. 18-5331 D.C. Cir.
Gorby vs. United States, 18-5375 D.C. Cir.

where. Respect For the 1915 statute is Especially mandated in this instance because the Supreme Ct. has insisted that the PLRA and indeed particularly the 3 strikes Rule provision be interpreted & Applied "literally" see.

Carcieri vs. Salazar 555 US 379, 387 (2009) see. Coleman 135 S.Ct at 1759.

Repeatedly Emphasizing that it would give the 1915 statute A "literal" reading id. at 1763, 1764.

Unexcelled Chem. Corp. vs. United States, 345 US. 59, 64. (1953) see. eg.

United States vs. Anselmi 207 F.2d. 312, 314. (3rd cir. 1953)

The PLRA, its imminent danger Exception and Any Nexus Requirement should be liberally Construed & (Beneficently Construed) in Favor of the Prisoner.

Denis vs. Higgins 498 US 439, 443-44 (1991)

Therefore, While No Nexus Requirement Applies to 1915(g) Gorby Has met that Requirement. F.Bop staff Abusing Discipline Process to Cover up Assaults While Failing to Keep Gorby safe & or Denying Him self Defense & or Denying Him Remedy Access To Address imminent dangers is itself A Nexus

To HHS SUIT & clear imminent dangers themselves, posing significant threats of serious bodily injury or death.

- (i) Where. This is furtherly concerning as if unit Team Fail or Refuse to provide Remedy forms it (impedes) DHO Appeals as those Administrative Remedy Bp10 & Bp11 (Forms) are used for such DHO Appeals and necessary to Exhaustion for Court Filing.

Note. DHO Reports per Policy are to be issued within 15 Calendar days. yet some go (months) before being issued (Preventing) any Appeal as none can be Process without Enclosing the DHO Report & forcing us to serve sanctions without Appeal again making the Discipline Process unconstitutional. So, DHO can commit (most any) unconstitutional Act. Even delaying seeing people deliberately extending their stay in Administrative detention & leaving us no way to complain until DHO decides to conduct a hearing & issue a Report. & then (many) Bp10 & Bp11 Appeals get clearly unreasonably delayed. Some for up to 24 months before a response is given allowing us to go to the next level. because though Policy says we can! If we Appeal without Enclosing a copy of the lower level Appeal (and) a response the next level Appeal gets rejected, clearly being a unconstitutional Process forcing us to suffer imminent dangers & other unconstitutional issues without any Appeal or available Complaint Process.

claim (3) Tampering with legal mail

And Further, our outgoing legal mail is tamper with & impeded. Each outgoing legal mail receives a stamp by the F.Bop mail Room stating

in Error, that the mail has neither been open or inspected. see back of this Envelope used to mail this suit. yet, UNIT staff collecting the mail demand to inspect the mail (before) we seal it. subjecting us to a list of Prejudices, as staff could logically slip any thing in the Envelope for which (we) inmates (would be liable) for upon it arriving at court as then the F.Bop would argue as per their stamp, it was not open or inspected so the inmate had to put it in there! subjecting Gorbey to Prejudice, and this inspecting of outgoing legal mail allows prison staff to brief read what's being filed and logically (any thing) raising issues about prison staff. is subject to delays or destruction by prison staff, to impede the suit or complaint! making this UNCONSTITUTIONAL & A clear imminent danger as it allows prison staff to (delay or impede Redress) for subhuman conditions or imminent dangers.

today 4-29-20, Gorbey try to send this verry suit & other legal mails & Ranger officer C. Ulrich (demanded) to inspect the contents or (refuse) to mail it. & openly stated that if he saw or read anything he did not like the mail would go to SES for (complete inspection) & delays, clearly serconverting the process to impede Gorbey's legal filings & access to courts (while) he is trying to address subhuman conditions & imminent dangers, being itself an imminent danger.

I Gorbey suffer several imminent dangers at USP Lewisburg PA. that I seek court relief for!!

I AM A D.C. state Prisoner illegally Confined.

④ I AM sentence To the Custody of the U.S. ATT. Gen. Who Then Delegate my Custody To the F.Bop making (Both) Liable For my safety & Well being, As well As others named. claim (4) ④ Defendants spaulding, Sysmore, Bowling & Bricker Are Together Responsible For Accepting me into this Prison From F.C.I. Estill, While Knowing or obligated To Know That I Had A (Medical Hold) For Emergency glaucoma laser surgery Placed At F.C.I. Estill S.C. & Should Have (Refused) my Transfer To & Placement At Lewisburg PA. While (Knowing) I will suffer delays in being Re-examined & Evaluated For the need of surgery, Causing more Damages And intensifying the (threat) of Blindness, being An imminent danger, see Also named medical staff.

claim (5) ④ Defendants spaulding, Sysmore, Bowling & Bricker Are Directly Responsible For my Conditions of Confinement As well Are the United States And U.S. ATT. Gen. While I'm Confined At USP Lewisburg PA. Many of Which Conditions Are Subhuman & impose clear And or Significant threats of serious bodily injury or death.

(a) Exposures To 1930's-1940's Lead Paints see Exhibit (1) small Portions of such Paints, 3 samples in sealed Plastic bag. lead Paint is Known To Cause serious sickness & death From Exposures. Where, Here. the old lead Paints Are Peeling & Flaking, Dropping Portions into Gorbey's Food, Drink & Hair, being Then invertedly ingested As well As being breathed, Causing Direct Exposures.

(b) Placements on Top Bunks Gorbey Has multiple chronic injuries R-shoulder, R-wrist, R-knee, L-wrist, L-ankle L-foot that (Prevent) Him From Holding his weight & climbing, yet F.Bop staff Repeatedly Assign Gorbey To Top Bunks or Assign Him To Already occupied lower Bunks, Forcing Gorbey To Fights on Top Bunks where He is

Repeatedly suffering Falls & injuries & then denied Proper - Timely or sometimes any Medical Treatment & Presently is suffering UNSPECIFIED injuries To His R-shoulder, R-Wrist, L-Arm, L-Hip, L-Ankle & Bruisings in multiple Places From Falls 4-18-20 & 4-20-20. in Cells composed of CONCRETE AND STEEL THAT any NEXT Fall could result in serious Physical injury or death Evidenced by several Prior serious Physical injuries Gorbey has suffer From similar Falls From Top Bunks AT other Prisons Cumberland md. 2019-2018, Hazelton, WVa. 2017, Lee VA. 2016, Leavenworth Ks. 2016, Edgefield S.C. 2015 All Documented in Federal Courts.

(C) INadequate security (no in cell egress Buttons)

usp Lewisburg G-unit For Which Gorbey is Placed Has no Emergency Egress Buttons in the Cells AS Required by Federal law & F.Bop Policy. Creating serious Concerns For inmates With Health issues Like Hypoglocimia & High Blood Pressure Gorbey suffers (untreated) threatening Stroke or Heart Attack. At 50 years old. AND Concerns For inmates (doubled up) Like Gorbey With A Celly in An old outdated, Possibly less than, 30 Square Feet of moving space With All of the other subhuman conditions design To Cause ANnimosities AS well AS Gorbey's Extensive History of Assisting the Federal Government & Numerous F.Bop Employees Priorly labling Him AS A Rat. A checkin or other unexceptable monikers To other inmates (AS Repeatedly Evidenced by Assaults) Posing A significant threat To Gorbey's safety With NO Way To sound any Alarm, being A simple death Trap.

(d) Rusty 1930's (High Pressure) Hot Steam Pipes. usp Lewisburg was designed With A High Pressure Boiler style Hot Steam Pipe Running From Floor To Ceiling in Floor

Cell, which pipes are over 90 years old of use are seriously rusted and very well may burst at any time which hot steam is known to cause serious bodily injury or death (Especially in confined quarters!)

(e) Denial of showers & adequate clothing or laundry.

Gorbey has repeatedly suffer serious dermatitis & large boils or serious infections in the Fbop since 2016. From being subject to similar subhuman conditions, inadequate laundry, beddings or molds

Gorbey Arrived at USP Lewisburg on 4-12-20 and only (one) set of cloths and to date has not been given any other cloths. None any shower going on 4 days and staff claim it may be as late as Friday before he receives a shower or clean cloths 4-24-20 some 9 days before Gorbey receives them. Posing a significant of such dermatitis, boils & serious infections returning and threatening Gorbey's safety, see Gorbey's prior medical history for carbunkle boils & staff infections. 2016 - 2019. Lee VA & Cumberland Md.

(F) Denial of Razers or shaving ability

USP Lewisburg staff have refused or deny Gorbey any razers or any means of shaving & again prompting dermatitis, bacterial infections, boils & other infections being an imminent danger see Gorbey's Fbop medical history for facial infections.

Note: Commissarys offer magic shave & expensive nair that Gorbey indigent cannot afford & is allergic to & cannot use! Depriving him of any ability to shave.

(g) Denial of Administrative Remedy Access

The G-unit manager ~~is~~ is allowing counselor Mann and other responsible unit teams to not make rounds in G-unit or to not answer inmate domestic

or to NOT provide Administrative Remedy Forms, and defendant A-W Bricker responsible for overseeing the unit teams whom Gorbey inform, has simply allowed this and Exec. Asst. Bowling whom is responsible for insuring that a proper Remedy Process is in place personally told Gorbey on 4-20-20 that: He, Gorbey, is NOT Entitled to Any Remedy Access at Lewisburg unless staff decided to release Gorbey to general population, being a farce & mockery of the Remedy Process itself, where, Exhaustion of the F.Bop Remedy Process is a Jurisdictional Pre-Requisite to Prisoner Filings in Court and therefore imposes a clear Constitutional Right to Prisoner Access to that Remedy Process and, as well, when denying Gorbey such access while he suffers harms, damages and or imminent dangers (forces him to suffer) such conditions allowing or contributing to them and then being an imminent danger itself, where he otherwise may obtain relief... Gorbey has submitted several Cop-out Requests for Bp8 informal Remedy Forms by in-house mail 4-18-20, 4-19-20 & 4-20-20 to no avail and on 4-20-20 Gorbey personally handed Exec. Asst. Bowl A Cop-out Request for Bp8's to no avail, clearly Refusing to Abate Gorbey's issues & dangers (while Refusing Gorbey any Admin. Remedy Access, being a clear imminent danger, see (Aiding & Abetting))

(h) Denial of meds or medical treatment Gorbey Arrive at USP Lewisburg on 4-17-20 and duly informed intake medical staff Woodro & DR. Edinger of his Required med & S.C. medical "hold" & medical conditions, yet Gorbey has received ANY pain meds, visine, or ANY treatment to his shoulder, R-Wrist, L-Arm, L-Ankle and other body parts from

Falls From His Hypoglocemia, or Hypoglocimia Treatment, or From Falls From Top bunks And is Advised That His South Carolina medical Hold & scheduled Emergency surgery For His glaucoma is now (void) And He Will Have To (Again) Start (All over) At USP Lewisburg And (Attempt to obtain glaucoma Treatment. Note, the Provided latanoprost eye drops Have been Found by several F.Bop medical staff At FCI's Estill, Cumberland & Edgefield To NOT be usable by Gorbey For Causing serious Side Effects. And therefore Providing NO usable Treatment, 2015-2020, Where these Extended & Repeated denials of Treatment Have Diminish Gorbey's eyes 60% left & 20% Right making Him legally Blind And Threatening to Blind Him Entirely being a clear imminent danger As Admitted to by the Government in Gorbey vs. United States 18-5375 US Appeal Ct. Dist. of D.C. Cir. (That Hostile Courts Have Allow)

- (i) Re-classification F.Bop staffs Keep Retaliating upon Gorbey For His using His Right To File For Redres. by Fabricating Charges & Abusing use of the F.Bop Discipline Process To Abuse Sanctions, loss of good Time & Manipulations To Gorbey's F.Bop Custody Points or simply Just make Error Adjustments To Gorbey's Points To deliberately make Him USP Eligible While (Knowing) such USP compounds To be A clear threat To Gorbey's Safety. see. Gorbey vs. Mubarek et al 1:19-cv-00220-RDB U.S. Dist. Ct. Baltimore Md. Where Government Attorneys That F.Bop Designation Center Grand Prairie, Texas Had To Apply A lesser security mgmt. To Cure such Hostile Attempts by Facility Staff And Recognizing USP Life To be A clear threat To Gorbey's Safety As was Evidenced At USP Lee, USP Hazelton And USP Caanan 2016-2018. being An imminent danger.

However, Hostile Facility staffs are still trying to overcome that lesser security mgtr. As the Washington Central office & Grand Prairie, Texas (should have) sanction Hostile Facility staff for such improper motive acts of misconduct & re-adjusted Gorbey's points accordingly & obspunged the abused discipline actions instead of letting them go UNSANCTIONED (as have Federal Courts) (encouraging) F.Bop staff to continue Hostile Acts. see 1:19-cr-02394 U.S. Dist. Md.; see 1:19-cr-00715-RDB US Dist. Md & 19-1275 see also F.Bop incident Reports 3211576 For Alleged (112) Possession where Due Process was Repeatedly violated & Prison Field Tests show irregularities see also 3287662 For Alleged (201) Fighting, where Gorbey was Attack by 2 inmates (with weapons) in his cell & only push his way out, being denied self defense while Prison Unit staff (watched) & fail to keep Gorbey safe. see Tosie vs. Garrett 409 Fed. App'x 262 (2010)

Rodriguez vs. Sec't of Dep't of Corr. 508 F3d 611 (11th Cir 2007)

8th Amendment Duty for staff to keep inmates safe. see. Recently on 3-16-20 A.T FCI Estill Gorbey was again Attack by inmates in his cell (while) Hostile staff (nastro) watched & fail to keep him safe, and then abused discipline actions upon (Gorbey) to cover up the assault, by placing Gorbey in shu on a false intoxication charge (Even after) Breath & urine Tests prove negative results.

Where because Gorbey had been unjustly held in FCI Estill shu since 3-16-20 (without) any ptho hearing or SIS investigations into the real issues of assault. Gorbey was then immediately placed in special housing G-unit at USP Leavenworth DA.

upon Arrival And NOT Afforded ANY of His Due Process Rights, And yet Hostile Lewisburg Staff (Already) Retaliating, Are Trying To Re-classify Gorbey To A USP See. Exhibit (2) Copy of Gorbey's USP Lewisburg PA. Administrative Detention order clearly informing that Gorbey is Held Pending A Re-classification While Staff Know USP Life To be A Threat To Gorbey's safety. And A clear imminent danger... Note, Gorbey is A D.C. State offender Error Held in Fed. Custody. And Had A medical Hold in South Carolina For Emergency High level glaucoma Bilateral laser surgery, & should simply Have been Re-designated To one of the other 3 Available Bop Facilities in South Carolina. Edgefield, Bennettsville, or Williamsburg. in Accordance With His medical Hold (instead of) being brought All the way to P.A. Where He is now Forced to start All over To (Attempt) to obtain the laser surgery While He suffers clear Prejudicial Delays & Damages to His eyes that threatens total Blindness, being an imminent danger which is to be Judged by the Prisoners initial Filings Liberally Construed And Accepted As True see, Mitchell vs. Fed. Bop 587 F3d. 415, 420 (D.C. Cir. 2009)

When Considering IFP Eligibility A Court should Continue using the Traditional Standards Applicable To Pleadings by Pro-se Prisoners. Id. see Also, Pinson vs. Samuels 761 F3d. 1, 5 (D.C. Cir. 2014)

Where, While 31915(g) Does NOT Have Any Nexus Requirement And the Plain language of 31915(g) Expressing Congress intent must be Followed see, Coleman vs. Tollefson 135 S.Ct. 1759 (2015) see Also, We must Enforce Plain And unambiguous Statutory

language... in any statute... according to its terms.
Intel. Corp. Inv. Policy Comm. vs. Sulyma 140 S.Ct 768, 776 (2020)

Also, the supreme Ct. recently said. That Even Where the Government thinks A statute's Plain Terms lead to anomalous results, the text governs, and A Court may not add to the statute A requirement not present in the otherwise unambiguous statutory language. see Babb vs. Wilkie No. 18-882, 2020 US. Lexis 2184 at *19, *21 (U.S. April 6, 2020) (Quoting,) Desert Palace Inc vs. Costa 539 US. 90, 98 (2003). However, Gorbey's claims do meet A Nexus Requirement & must be granted leave.

(5) Excessive lighting in cells threatening blindness.

Gorbey Already suffers serious eye damage from untreated glaucoma. And now is housed in cells with some 1000 watt (spot light bulbs) which is stationed in the wall by the door. And is illegally unconstitutionally (intended as a punishment to inmates) is designed to light out door areas or possibly large indoor areas by NOT designed to light the small cramped 30 square foot 1932 cells at USP Lewisburg. As it can cause blindness & makes Gorbey see large dark spots every time he is forced to look at the cell door when called by staff or to get his meals. being a clear imminent danger.

*(K) Gorbey must also note that he is a D.C. state prisoner unconstitutionally held in Fed. prison as moving any state prisoner across state lines without extradition proceedings or his consent violation the interstate commerce clause, the extradition clause and the 14th amendment which (prohibits) any state or Congress from creating or enforcing any law which violates any rights of the people such as D.C. Code allowing this subjecting Gorbey to imminent dangers of Federal prison

claim (6) UNCONSTITUTIONAL MISCONDUCT ACTS by F.Bop (SIS) INVESTIGATIVE STAFF NOT EFFECTIVELY CONSIDERING OR INVESTIGATING STAFF MISCONDUCT COMPLAINTS ALLOWING OR IMPOSING UPON GORBEY SUB HUMAN CONDITIONS. THREATS TO SAFETY & IMMINENT DANGERS.

Gorbey HAS SUFFER THIS TYPE OF MISCONDUCT BY SIS STAFF AT MULTIPLE F.BOP FACILITIES WHICH HAS REPEATEDLY RESULTED IN PREJUDICES TO GORBEY.

WHERE. HERE. AT USP LEWISBURG, GORBEY PROMPTLY SENT COP-OUTS TO SIS STAFF EXPLAINING THE EVENTS AT FOX ESTILL CONCERNING THE INMATES ASSAULT & STAFF FAILING TO KEEP HIM SAFE. AND ABUSING USE OF DISCIPLINE PROCESS TO COVER IT UP. YET. LEWISBURG SIS DID (NOTHING) TO INVESTIGATE. NOT EVEN TO REVIEW THE CAMERAS AFTER INFORMATION WAS PROVIDED BY LT. SHAFFIELD AT ESTILL THAT OTHER INMATES WERE INVOLVED WITH GORBEY'S INCIDENT REPORT BUT NOT CHARGED FOR ANY MISCONDUCTS AS LT. SHAFFIELD & OTHER STAFF WERE COVERING UP THE ASSAULT SO AS TO ABUSE DISCIPLINE PROCESS UPON GORBEY FOR HIS FILING STAFF MISCONDUCT COMPLAINTS

WHERE. GORBEY HAS NOW SUFFER SIMILAR INMATE ASSAULTS AT SEVERAL F.BOP FACILITIES THAT HOSTILE F.BOP SIS STAFF HAVE REPEATEDLY ATTEMPTED TO COVER UP. SEE. INMATE ASSAULT AT USP LEE VA. 2017. WHERE NO EFFECTIVE SIS INVESTIGATION WAS CONDUCTED. SEE. 1:17-CV-0192 US DIST. CT. ROANOKE VA. DOCUMENTING THIS ASSAULT & FINDING IMMINENT DANGER APPLIED. SEE. SUBSEQUENT INMATE ASSAULT AT USP HAZELTON WVA. 2018 AND YET ANOTHER AT FOX CUMBERLAND, MD. BY 2 INMATES WITH WEAPONS IN LATE SEPTEMBER 2019.

And then the most recent inmate assault at FCI Estill on 3-16-2020. Again where SIS staff fail or refuse to properly or effectively investigate and evidencing a pattern of misconducts evidencing the (likelihood) of serious physical injuries or death. Martin vs. Shelton 319 F.3d. 1048, 1050 (8th Cir. 2003)

- where. this pattern has continue at USP Lewisburg, and clearly threatens Gorbey's safety because as SIS are not effectively investigating the issues no proper or official reports notices or keep always are being loged or filed and at (any time) Gorbey
- (a) Could be assaulted or kill by new participants having some knowledge or reason to participate or be some (member) of some hostile group or gang any of the past assailants are or were associated with posing a significant threat to Gorbey's safety. And or.
 - (b) At any time. Gorbey (could be) placed in a Holding Cell. Housing unit, Housing cell or shu cell with any of the prior (actual assailants) clearly threaten Gorbey's safety. all as a result of ineffective SIS investigations.

where. Here at USP Lewisburg, these misconducts by SIS are furtherly evidenced. see. Bp8 informal complaint # 20-018

A Bp8 on misconduct by USP Lewisburg G-unit Team marr. Rekluski & Cateral. Denying Gorbey proper-timely administrative remedy access by refusing to provide more than 1 (one) Bp8 at a time. When only one complaint or several closely related complaints can be address on a Bp8. so by

denying Gorbey adequate amount of Bp8's denies him the ability to address all his issues in any timely fashion & forcing Gorbey to endure a list of clearly subhuman conditions & imminent dangers.

So while Bp8 20-018 is filed on being denied proper timely remedy access resulting in subhuman conditions & imminent dangers (SIS) J. Ordonez not effectively addressing the staff misconduct complaint. Attempts to actually (defend) the staff being complained about and unsuccessfully tries to provide a response to some 6 different valid complaints in the one Bp8. & therefore delaying Gorbey relief and (subjecting) Gorbey to the list of subhuman conditions & imminent dangers again evidencing a pattern of misconducts by SIS staff evidencing the likelihood of serious physical injuries or death.

Where. we must also note that the Bp8 was filed 4-29-20 & was due a response in 5 work days per policy. yet SIS held it 2 days until 5-1-20 before listing it as received. listed it as answered on 5-6-20 (without) ever speaking to Gorbey and trying to informally resolve the issue as require by FBCP Admin. Remedy Policy 1330.16 informal remedies. and then held it 2 more days until 5-8-20 before returning it to Gorbey some total of 8 work days impeding Gorbey from filing a formal Bp9 at earliest now until 5-11-20 which itself will take 20-40 days to get a response. All because SIS J. Ordonez wants to play staff attorney instead of his intended investigative role and

While subjecting Gorbey to all of the subhuman conditions & imminent dangers listed above & below in this suit.

SIS J. Ordóñez (should have) timely investigated by personally speaking with Gorbey to better understand the facts. J. Ordóñez should have consulted with A-W. Brickard. (Whom agrees with Gorbey about the remedy process but whom is failing his duties to effectively supervise lesser staff allowing marr. Rekowski & Caterwall to act with misconduct regarding the remedy process.) A-W Brickard could have explain to SIS J. Ordóñez that Fbop Policy (Prohibits) the informal Bp8 Process from operating to impede formal filing, & therefore since the Bp8 Process must normally be attempted, staff must afford the inmate adequate Bp8's in a timely fashion.

SIS J. Ordóñez then would have seen that marr. Rekowski & Caterwall were acting unprofessionally & with staff misconduct and therefore taken necessary steps accordingly to correct and deter such misconducts by marr. Rekowski & Caterwall & Brickard for that matter as the Assistant Warden (A-W) is obligated to effectively supervise lesser staff as is Executive Assistant Bowlin & Warden Spaulding all of whom Gorbey personally informed of these misconducts.

yet. SIS J. Ordóñez did not attempt any informal resolution to Gorbey's misconduct complaint. but instead try to defend the misconducts and in so has caused Gorbey physical injuries and left

Gorkey in subhuman conditions & imminent dangers as a result.

claim 7 Direct Violation of Gorkey's Native American Religious Rights in Furtherance of subhuman conditions. threats to safety & imminent dangers. Where, as listed above, USP Lewisburg staff have fail to effectively investigate inmate assaults upon Gorkey, denied Gorkey proper - timely Admin. Remedy access while subjecting Gorkey to a list of subhuman conditions & imminent dangers. & have abused use of Discipline process to cover up inmate assaults & to retaliate for Gorkey filing staff misconduct complaints.

Where, in these processes, Even USP Lewisburg chaplains are participating as while Gorkey is held in USP Lewisburg Administrative & disciplinary segregations in such subhuman imminent danger conditions chaplains T. Leininger & B. Carney are openly denying Gorkey any access to Religious services violating his rights to further amplify Gorkey's adverse conditions.

(a) Gorkey is a Registered Rock-tree cheromanche-Monacan Native American. And has practice his Native Religion (all his life) as it is his actual way of life.

(b) F.Bop Religious Policy 5360.09 provides in part. Authorized Congregate services will be made available for all inmates weekly with exceptions to those detained in SHU.

ordinarily, sacred Pipe use will be accommodated in Administrative detention.

the warden may determine the circumstances under which the sacred pipe may be used in disciplinary segregation.

However, chaplains Leininger & Carney have conspired with warden spaulding to only provide Gorbey or natives in general access to the sacred pipe twice per year, clearly violating the mandatory language in policy that states all services (will be made available weekly)

Where, obviously native sweat lodge is not so accommodating to those in shu, but the sacred pipe can be used in the shu outdoor deck area by natives in shu separately or jointly without any security concerns.

Where, this restricting Gorbey to services only 2 times a year is a substantial infringement upon his rights as most inmates are not kept in shu 6 months or more, unless staff are deliberately abusing use of segregations, & therefore depriving natives of any services while in shu(s).

Where, what is worst, is then these hostile chaplains further conspiring with warden spaulding have implemented a clearly farce & unconstitutional usp lewisburg institutional supplement 5360.09G, which (denies) Gorbey & other natives any religious access in the 6 month period of any placement in disciplinary segregation invertedly imposing additional discipline sanctions that are not available to the DHO in policy... Gorbey must also here note

that in F.Bop Discipline Actions 112 & 113, the F.Bop invertedly Applies A \$5.25 pay Restriction For 1 year that Also is NOT any Available, sanction Under F.Bop Discipline Policy. & Further Evidence of the UNCONSTITUTIONALITY of the Discipline Process is staff as here with Religious services Can impose sanctions above & beyond any that are available by DHO. Where, this is Exceptionally Concerning Where F.Bop staff think they can infringe upon Gorbey's Religious Rights in Furtherance of UNCONSTITUTIONAL threatfull Discipline Proceedings covering up inmate assaults. As on 5-5-20 DHO chambers after (maliciously violating) Gorbey's due Process Rights sentence Gorbey to 90 days Discipline seg. (After) Gorbey just did 50 days in admin. seg. waiting for DHO. & took 41 days good time & all of Gorbey's privileges visits, phone, email & computer - Commissary (For 1 year) A slap in the face because Gorbey (refuse) to plea guilty to A 199 most likely to be 113 because staff could not prove A 113, as Breath & urine tests were (negative) for the alleged intoxication. & the ~~entire~~ whole process was A staff Retaliation cover up of inmates assaulting Gorbey for staff so usp Lewisburg chaplains want to participate in the misconducts & imminent dangers & subhuman conditions by themselves denying Gorbey any Religious services in shu. in clear violation of F.Bop National Policy And Gorbey's Constitutional Rights

Relief sought

Page 28 of 29

- (1) I seek demand \$9,500,000.00 cash.
- (2) I seek immediate glaucoma treatment, the scheduled South Carolina laser surgery
- (3) I seek AN INJUNCTION conditioning usp Lewisburg to not be able to house any inmates under its present conditions, Exposures to lead paints, Excessive lighting in cells, no in cell duress buttons, Exposures to old Rusty High Pressure Boiler style Hot steam pipes & Faulty Plumblings.
- (4) I seek Razers for shaving Atleast 3 Times per Week in Accordance with F.Bop Policy.
- (5) I seek immediate medical treatment for all of my injuries R-shoulder, R-Hip, R-Wrist, R-Knee, L-Wrist, L-Ankle From Falls From Top bunks.
- (6) I seek AN INJUNCTION to prevent the F.Bop From assigning or forcing me to any further Top bunks.
- (7) I seek AN INJUNCTION to Reform the F.Bop Discipline Process to be more Constitutionally Applied And. I want All my good time taken in any F.Bop Discipline proceeding some 130 days Return to me, & All convictions (Removed) From my inmate Discipline Chronology Report
- (8) I seek AN INJUNCTION to Reform the F.Bop Administrative Remedy Process to be more Constitutionally Applied As it is Jurisdictional to Prisoner Court Filing.
- (9) I seek AN INJUNCTION to Reform the F.Bop SES or SIA investigation Process to be more Constitutionally Applied to Conduct and Documentate Effective investigations.

- (10) I seek to have my Religious Rights met in shu. to have weekly access to a Sacred Pipe and the ability to conduct Prayers through smoking the sacred Pipe with necessary provisions. Tobacco, lighter or matches, a blanket to perform a ceremony on, a smudge bowl (shell), cedar-cedar sage, sweetgrass, a drum & rattle, and Bandana. And An Injunction to Reform Lewisburg Policy Supplement 5360.09 G. to Allow this to All Native inmates in special housing if requested, no matter their housing status.
- (11) I seek a hearing and appointment of Co-Counsel necessary to cure any filing defects or to defend my suit, or imminent danger claims.

(Chief) Michael S. Owl Feather-Gorby
33405-013
USP Lewisburg PA.

Declaration of mailing 31746 & 31621

I Gorby declare that on 4-18-20 & 4-29-20 I filed my original suits that were Error Rejected by this Court and therefore I now file this amended suit on 5-11-20 by depositing it in the USP Lewisburg G-Unit internal mail system with 1st class us postage attached properly Address to the US Dist. Ct. Scranton PA.

(Chief) Michael S. Owl Feather-Gorby
33405-013 USP Lewisburg
PO Box 1000 Lewisburg PA. 17837.

BP-A0308
JAN 17

ADMINISTRATIVE DETENTION ORDER

U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF PRISONS

USP LEWISBURG

Institution

Date/Time: 4/18/2020 0400

TO: Special Housing Unit Officer

FROM: Lt. Emerson CE (Name/Title)SUBJECT: Placement of Gorbey, Micheal, Reg. No. 33405-013, in Administrative Detention (a) Is pending an investigation for a violation of Bureau regulations; (b) Is pending an SIS investigation. (c) Is pending investigation or trial for a criminal act; (d) Is to be admitted to Administrative Detention (1) Since the inmate has requested admission for protection;

I hereby request placement in Administrative Detention for my own protection.

Inmate Signature/Register No.: _____

Staff Witness Printed Name Signature: _____

 (2) Since a serious threat exists to individual's safety as perceived by staff, although person has not requested admission; referral of the necessary information will be forwarded for an appropriate hearing by the SRO. (e) Is pending transfer or is in holdover status during transfer.✓ (f) Is pending classification; or (g) Is terminating confinement in Disciplinary Segregation and has been ordered into Administrative Detention by the Warden's designee.

It is this Correctional Supervisor's decision based on all the circumstances that the above named inmate's continued presence in the general population poses a serious threat to life, property, self, staff, other inmates, or to the security or orderly running of the institution because*

Inmate transferred from FCI Estill SHU to USP Lewisburg SHU, pending classification.

Therefore, the above named inmate is to be placed in Administrative Detention until further notice. The inmate received a copy of this Order on

(date / time) 4/18/2020 0600

Staff Witness Signature/Printed Name Ryker E. Fisher Date 0600 4/18/20

Supervisor 24 hour review of placement: Signature/Printed name _____

* In the case of DHO action, reference to that order is sufficient. In other cases, the Correctional supervisor will make an independent review and decision, which is documented here.

Record Copy - Inmate Concerned (not necessary if placement is a result of holdover status); Copy - Captain; Copy - Unit Manager; Copy - Operation Supervisor
- Administrative Detention Unit; Copy - Psychology; Copy - Central File

PDF

Prescribed by P5270

(Replaces BP-A0308 of JAN 88.)

Exhibit (2)

Declaration under Penalty of Perjury

I CW Feather-Gorby declare that the facts here are true and correct to the best of my knowledge.
28 USC § 1746 and 18 USC § 1621

(Chief) Michael S. CW Feather-Gorby
 33405-013

I Gorby declare that the F.Bop. Administrative Remedy Process is operating unconstitutionally, and that the Bp8 Informal Filing Process is often being used in Error by staff to impede formal filing by denying inmates adequate amounts of Bp8 forms at one time to properly-timely address all their issues and by not timely responding to Bp8's, openly impeding formal filing in any timely manner and, in most cases, no informal attempts are being made by staff to informally resolve a Bp8. Staff simply (if ever at all) provide a late response that in most cases mirrors the responses the inmate has already received in regards to his/her complaint & for which a Bp8 is being filed for. So, most often a no informal resolution attempt is made by staff (consulting with the inmate to attempt a compromiseable resolution agreeable to both parties in a timely 5 work day fashion) the informal Bp8 process is not serving its intended purpose as applied and is (only) causing prisoners prejudicial delays & often permanent impeding of formal filing & required remedy exhaustion under 42 USC § 1997e(a) violating prisoners rights to access to exhaustion & the courts.

(Chief) Michael S. CW Feather-Gorby
 33405-013 USP Lewisburg PA.

AffidavitDeclaration Under Penalty of Perjury

I Gorbey declare that the Facts Here Are True & Correct to the best of my Knowledge.

28 USC § 1746 & 18 USC § 1621

(Chief) Michael S. Owl Feather - Gorbey
33405-013

ON 5-8-20 I CONFRONTED UNIT manager Rekowski on my G-UNIT 116 Cell Door. I Handed Him A Completed Bp9 Explaining that Counselor marr was Withholding the Bp8 Well over 5 Work days To impede Formal Filing of this Bp9 (on marr) Abusing use of the Bp8 Informal Process (to) impede Formal Filings. (1) by only issuing 1 Bp8 AT A Time Forcing us To Delay Addressing or To Forgo some Complaints When several Exist & only 1 can be Address. (2) Delaying or NOT AT ALL Processing Bp8's To Impede Formal Filing, see Bp8 on marr submitted 4-29-20. Still NOT ANSWERED. Today 8 work days later.

Where Unit manager Rekowski slid my Bp9 back under my cell door Telling me (He) did not care that it was A Staff misconduct Complaint. only 1 Bp8 Will be given AT A Time & if or UNTIL they decide To Respond to that Bp8. No Bp9 Would be Filed. And When I clearly Told Rekowski He & marr Can NOT use the Bp8 informal Process To impede Formal Filing Rekowski smartly stated that I would soon Find out that they did things Differantly Here At Lewisburg & Walked off.

Clearly impeding my Formal Remedy Access While I suffer A list of Imminent dangers. A A-W Brickard & Warden spaulding Allow this. (Chief) Owl Feather - Gorbey,
33405-013

AffidavitDeclaration Under Penalty of Perjury

I owl Feather-Gorbey declare that the facts here are true & correct to the best of my knowledge.

28 USC § 1746 AND 18 USC § 1621

(chief) michael S. owl Feather-Gorbey
33405-013

I owl Feather-Gorbey declare that usp lewisburg Range officer C. Ulrich has on more than one occasion demanded to inspect my outgoing legal mail, by himself, removing from the Envelope & Brief Reading. the contents of my legal mail & states that if he sees or reads anything he does not like, he's forwarding my legal mail to (SIS) to open & inspect. Properly,

Where. This is Evidenced by one letter I receive Return by the Court mail by me on 4-27-20 and yet. Postmarked AS 5-1-20 being a some 5 day delay in my legal mail caused by C-ulrich & SIS while I suffer subhuman conditions & imminent dangers. Where C-ulrich has some personal bias or discrimination towards Gorbey also won't allow Gorbey access to the law library and refuse to turn of the water or to move Gorbey to another cell when his toilet in G-117 got stuck running. C-ulrich & SIS are a threat to Gorbey's safety, & have violated Gorbey's rights. & boldly told me to spell his name Right (chief) michael S. owl Feather-Gorbey 33405-013

AffidavitDeclaration Under Penalty of Perjury

I owl Feather-Gorbey declare that the facts here are true & correct to the best of my knowledge.

28 USC § 1746 And 18 USC § 1621

(Chief) Michael S. owl Feather-Gorbey
33405-013

I owl Feather-Gorbey declare that I did file a misconduct complaint Bp8 #20-018 on USP Lewisburg G-unit team for denying me proper-timely remedy access by refusing me adequate amounts of Bp8's while I suffer subhuman conditions & imminent dangers. That got forwarded by staff to SIS J. ordonez whom did NOT investigate my complaint but rather made excuses and defenses for the staff showing the misconduct & in so impeded my complaint. & force me to continue suffering the subhuman conditions & imminent dangers.

I owl Feather-Gorbey also declare that upon arriving at USP Lewisburg I sent at least 2 copious requests to (SIS) asking them to investigate an inmate assault at FCI Estill on 3-16-20 & informing them that my (at the time pending) intoxication disciplinary action was a staff retaliation cover up for the inmate assault. Yet SIS at USP Lewisburg did nothing. Took NO action assisting the cover up & threatening my safety.

In front Michael S. owl Feather-Gorbey 33405-013

AffidavitDeclaration Under Penalty of Perjury

I owl Feather-Gorbey declare that the Facts Here are true and correct to the best of my knowledge.

28 USC § 1746 and 18 USC § 1621

(chief) Michael S. owl Feather-Gorbey
33405-013

I owl Feather-Gorbey have submitted several inmate requests (cop-outs) to usp lewisburg Religious services to be provided services for my native American Religion, i.e. Pipe Ceremony which is an established traditional practice of my monacan tribe as I well know the traditional practices of my tribe having practice such tribe traditions all my life and I being (chief) of my tribe. And such traditional practices are a common practice for native Americans in general i.e. Pipe Ceremonies which are federally recognize and approved by the F.B.P. see P.S. 5360.09

I further declare that on 5-4-20 usp lewisburg chaplain T. leininger responded in writing denying my request for services and on 5-6-20 usp lewisburg supervisory chaplain B. Carney did likewise. And both claim natives could only have services twice a year & both told me if disciplinary seq occurred. NO services at all would be provided. Abusing use of the discipline process to deny me or natives in general any religious services.

Michael S. owl Feather-Gorbey 33405-013

Middle District of Pennsylvania

5-9-20

Michael S. Owl Feather - Gorbey

VS.

NO.

MR. Chambers (DHO) et al.

Owl Feather - Gorbey's motion for Court order directing
F.Bop usp Lewisburg Trust Fund staff to comply AND
or for "Emergency" Hearing to cure filing defects

Argument

I Gorbey sent Civil Actions to the Scranton US Dist. Ct. under imminent dangers which the Court Error Rejected for Gorbey Pro Se in shw suffering imminent dangers to cure filing defects while ignoring Gorbey's motions for hearing & co-counsel to do so!

Gorbey then suffering damages from delays did complete the forms & found postage to re-file, yet. F.Bop Lewisburg Trust Fund staff have fail or refuse to complete the Informa Pauperas Trust Fund section & to return the papers to Gorbey furtherly impeding his access while he suffers a list of subhuman conditions and or imminent dangers listed in his suits

Gorbey, therefore, seeks assistance from the Court by issuing an order directing Lewisburg Trust Fund staff to comply by providing to the Court the Trust information Required. As Gorbey should not be force to suffer any further delays 28 USC § 2243.

I seek A hearing & co-counsel if necessary

(chief) Michael S. Owl Feather - Gorbey

33405-013 usp Lewisburg

PO Box 1000 Lewisburg, PA. 17837.

Inmate Name: Michael S. Owl Feather Gorbey

Register Number: 33405-013

United States Penitentiary

P.O. Box 1000

Lewisburg, PA 17837

14 MAY 2020

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W
(Legal - special mail)

(open only in presence of
Gorbey or the U.S. Court)

RECEIVED
HARRISBURG, PA
MAY 18 2020

PER *mw*
DEPUTY CLERK

Clerk of Court
U.S. District Court
228 Walnut
Harrisburg, P.A.

